

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-17304 - APPLICANT: DAVID PAWL - OWNER: VP
PROPERTIES, LLC, ET AL**

**** CONDITIONS ****

The Planning Commission (4-3/gt, ds, ld vote) and staff recommend DENIAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning to a C-2 (General Commercial) District on 2.67 acres at 2020 through 2022 West Bonanza Road and 715 Clarkway Drive. The property currently consists of two developed parcels that are zoned R-E (Residence Estates) and C-1 (Limited Commercial) with a building and landscape material/lumber yard use that is operated in conjunction with the office activity previously approved on a portion of this site.

The proposed rezoning to the C-2 (General Commercial) zoning district is consistent with the MXU (Mixed Use) General Plan designation. The existing use, building and landscape material/lumber yard that is operated in conjunction with the office activity previously approved on a portion of this site is conditionally permitted within the proposed C-2 (General Commercial) zoning district; however, due to the intensity of this use and the uses allowed by this zoning category and the incompatibility of those uses with the neighboring single family residential neighborhood, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/03/79	The City Council approved a rezoning request (Z-0053-79) from R-E (Residence Estates) to P-R (Professional Offices and Parking) and R-3 (Limited Multiple Residence) on the site. The Planning Commission had recommended approval. This action has expired.
12/05/80	The Board of Zoning Adjustment approved a Use Permit (U-0075-80) to allow a juvenile consulting center on the site.
10/05/88	The City Council approved a request for a variance (V-0096-88) to permit a homeless shelter on the site, where not permitted.
06/19/02	The City Council tabled a request for a Special Use Permit (U-0037-02) to allow a building and landscape material yard at this location. The Planning Commission and staff recommended denial of this request.
10/16/02	The City Council approved a request for a Rezoning (Z-0067-02) to C-1 (Limited Commercial) and Site Development Plan Review [Z-0067-02(1)] to convert a 3,230 square foot existing single family residence into an office. The Planning Commission and staff recommended approval.
01/06/07	The Code Enforcement Division of the Department of Neighborhood Services issued a code violation notice regarding chain link fencing installed without a permit. The fencing had razor wire on top and created a landlocked neighboring property. Additionally, there was a construction trailer on site without a permit. This matter has been marked resolved as of 03/31/07.

01/25/07	The Planning Commission held this item in abeyance at the applicant's request.
02/22/07	The Planning Commission tabled this item at the applicant's request.
06/14/07	The Planning Commission held this item in abeyance at the applicant's request.
07/12/07	The Planning Commission held this item in abeyance at the applicant's request.
08/23/07	<p>The Planning Commission recommended denial of companion item SDR-18676 and withdrew without prejudice VAR-22389 concurrently with this application.</p> <p>The Planning Commission voted 4-3/gt, ds, ld to recommend DENIAL (PC Agenda Item #25/rts).</p>
<i>Related Building Permits/Business Licenses</i>	
05/29/97	A building permit application, plan check M-3620-97, was submitted, approved, and issued for the site. This was for a plan check review to construct a chain link fence around an on-site well at 2020 West Bonanza Road. This permit (97011066) expired on 11/29/97.
08/18/99	A business license, C11-06982, for a Contractor category license was issued by the Department of Finance and Business Services. This license was re-issued due to a change of location on 06/13/06.
11/26/02	A building permit application, plan check L-5114-02, was submitted for the site. This was for a plan check review for the conversion of a single family dwelling at 2020 West Bonanza Road to an office occupancy. This permit (04004732) was reviewed and approved by the Planning and Development Department on 11/26/02 and issued by the Building and Safety Department 02/27/04. Project listed as completed on 10/06/04.
01/18/05	A business license, C40-00014, for a Concrete Pumping category license was issued by the Department of Finance and Business Services. This license was marked out of business on 12/06/06.
01/17/07	A building permit application, plan check L-0477-07, was submitted for the site. This was for a plan check review for the siting of a temporary modular building at 2022 West Bonanza Road for an office use. No permit has been reviewed or issued as of 05/24/07 for this application.
01/23/07	A building permit application, 80224-C-07, was submitted, approved, and issued for the site. This was for fencing (chain link) at 2020 West Bonanza Road. The project listed as completed/finaled on 02/11/07.
<i>Pre-Application Meeting</i>	
09/21/06	A pre-application meeting was held. It was noted that the requested change would bring the site up to current requirements as the current use is non-conforming. A reversionary map would be required and it was stated that Bonanza is a Nevada Department of Transportation (NDOT) right-of-way.

<i>Neighborhood Meeting</i>	
08/07/07	<p>A neighborhood meeting was held at Southwest Design, 2020 West Bonanza Road. Two members of the public attended. The members of the public had the following questions or comments about the project:</p> <ul style="list-style-type: none"> • The residents want an eight-foot wall with landscaping installed around the perimeter of the property in accordance with code requirements. • The residents want the two outbuildings on the north end of the property demolished. • Parking for commercial vehicles should be on pavement for dust control/air quality. • The residents have no objections to the rezoning or the use of the property, but want the property brought up to code. • The residents want dust control for any sand or gravel that may be stored on site. • No access should be permitted to Clarkway Drive. • The 25' access strip (to the well location) should either be purchased by the applicant or fenced.

<i>Field Check</i>	
05/11/07	<p>The Department of Planning and Development conducted a site visit that found that this was a developed site that includes the office building at the southeastern corner and various outbuildings towards the rear of the site. It was noted there is a number of vehicles parked on unpaved surfaces and that trash was piled in several locations. Finally, there is quite a bit of chain link fence both at the perimeter and internal to the site sectioning off areas, primarily at the rear.</p>

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other Than Listed	MXU (Mixed-use)	C-1 (Limited Commercial)
	Building & Landscape Material/Lumber Yard	MXU (Mixed-use)	R-E (Residence Estates)
North	Single Family Residential, Detached	MXU (Mixed-use)	R-E (Residence Estates)

South	Office, Other Than Listed	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
	Commercial Storage	LI/R (Light Industry/Research)	C-2 (General Commercial)
East	Office, Other Than Listed	MXU (Mixed-use)	C-1 (Limited Commercial)
	Single Family Residential, Detached	MXU (Mixed-use)	R-E (Residence Estates)
West	Single-family Residential, Detached	MXU (Mixed-use)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Width	100 Feet	192 Feet	Y
Min. Setbacks (Primary Structure)			
• Front	20 Feet	51 Feet	Y
• Side	10 Feet	14.56 Feet	Y
• Corner	15 Feet	n/a	n/a
• Rear	20 Feet	> 20 Feet	Y
Min. Setbacks (Accessory Structure – “Existing Equipment Storage Building”)			
• Front	20 Feet	> 20 Feet	Y
• Side	8 Feet	> 8 Feet	Y
• Corner	15 Feet	n/a	n/a
• Rear	10 Feet	> 10 Feet	Y
• Building Separation	6 Feet	> 6 Feet	Y

Min. Setbacks (Accessory Structure – “Existing Accessory Structure to Remain”)			
• Front	20 Feet	> 20 Feet	Y
• Side	10 Feet	> 10 Feet	Y **
• Corner	15 Feet	n/a	n/a
• Rear	10 Feet	> 10 Feet	Y
• Building Separation	6 Feet	> 6 Feet	Y
Min. Setbacks (Accessory Structure – “Existing Bldg. to be Removed”) *			
• Front	20 Feet	> 20 Feet	Y
• Side	10 Feet	0 Feet	N *
• Corner	15 Feet	n/a	n/a
• Rear	10 Feet	> 10 Feet	Y
• Building Separation	6 Feet	> 6 Feet	Y
Min. Setbacks (Accessory Structure – “720 SF Modular Bldg.”)			
• Front	20 Feet	> 20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	n/a	n/a
• Rear	10 Feet	> 10 Feet	Y
• Building Separation	6 Feet	> 6 Feet	Y
Max. Lot Coverage	50 %	< 50%	Y
Trash Enclosure	Screened & Gated	Screened & Gated	Y
Mech. Equipment	Screened	Screened	Y

* The structure labeled as “Existing Bldg. to be Removed” has been conditioned, as a part of the Site Development Plan Review (SDR-18676), to be removed within 30 days of final action if the application is approved.

** The setback complies with C-2 (General Commercial) district standards, but does not comply with Residential Adjacency setbacks.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	54 Feet	15.26 Feet	N *
Adjacent development matching setback	10 Feet	10 Feet	Y
Trash Enclosure	50 Feet from a protected property	> 50 Feet	Y

* The principal building and the accessory structure labeled “Existing Equipment Storage Building” meet the minimum proximity slope setback requirement. The accessory structure labeled “Existing Accessory Structure to Remain” does not meet the

requirement. If approved, the necessitated Variance (VAR-22389) would grant relief from the City standard.

Existing Zoning	Permitted Density	Units Allowed
R-E (Residence Estates)	2 Units per Acre	4 Units (2.07 Acres)
C-1 (Limited Commercial)	n/a	n/a
Proposed Zoning	Permitted Density	Units Allowed
C-2 (General Commercial)	n/a	n/a
General Plan	Permitted Density	Units Allowed
MXU (Mixed Use)	n/a	n/a

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as MXU (Mixed Use) on the Redevelopment Plan Area Map of the General Plan. This category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories. The project proposes to legitimize a building and landscape material/lumber yard use that is in conjunction with an office activity previously approved on the portion of this site that is presently zoned C-1 (Limited Commercial). The building and landscape material/lumber yard use and the associated office use are permissible under the MXU (Mixed Use) designation.

This Rezoning (ZON-17304) proposes to change the entire project site's zoning from R-E (Residence Estates) and C-1 (Limited Commercial) to C-2 (General Commercial). The proposed C-2 (General Commercial) zoning district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The existing use established at this location is permissible, as a conditional use, in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation.

The site is within the McCarran International Airport Overlay Map portion of the Airport Overlay District. This is a developed site with an overlay height limitation of 140 feet and is in compliance with Title 19.06.080.

The site encompasses two parcels with a building built at the lot lines. Additionally, should the parcels in the future become separate developments the site will be placed out of conformance with the development standards for the C-2 (General Commercial) zoning district. For this reason a condition has been added to the Site Development Plan Review (SDR-18676) that prior

to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

This rezoning has been submitted in conjunction with a proposed Variance (VAR-22389) to allow a deviation of the residential adjacency setback for an existing accessory structure and a Site Development Plan Review (SDR-18676) for an existing building and landscape material/lumber yard use with the addition of a construction trailer intended to serve as an auxiliary office.

This application is an effort to bring a non-conforming use into conformance with requirements. A site inspection yielded that the site is currently operating as a building and landscape material/lumber yard which is not permitted in the current zoning district, but would be conditionally permitted in the requested C-2 (General Commercial) District. This request is not compatible with the existing residential developments in the area as the C-2 (General Commercial) zoning district allows uses too intense for property in a single family residential neighborhood. Therefore, staff is recommending denial of this Rezoning request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. “The proposal conforms to the General Plan.”

The proposed rezoning is in conformance with the MXU (Mixed Use) under the Redevelopment Plan Area Map of the Southeast Sector Plan of the General Plan. The building and landscape material/lumber yard use identified is in compliance with the General Plan category.

2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”

The uses on the property are not compatible with the surrounding land uses and zoning districts. The use as currently operated is best described as a building and landscape material/lumber yard with an accompanying business office. Additionally, many of the potential other uses allowed in a C-2 (General Commercial) district are too intense and would not be compatible with the surrounding land uses and zoning districts.

3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”

Growth and development factors indicate a need for varied activity to locate in this area; however, zoning districts as intense as this C-2 (General Commercial) district are not appropriate this far into a single family residential area.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Site access is provided from West Bonanza Road, a 100-foot primary arterial. This street is large enough to provide adequate access to and from the subject property.

PLANNING COMMISSION ACTION

There were two speakers with concerns on this matter.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 183 by Planning Department

APPROVALS 5

PROTESTS 6